

UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF PENNSYLVANIA

JOEL RESNICK	:	
	:	
vs.	:	CIVIL ACTION NO.: 02 CV 04729
	:	
CHUBB CORPORATION, et al.	:	

**PLAINTIFF'S MOTION
TO SUBSTITUTE ITS REVISED MEMORANDUM OF LAW IN PLACE OF FOR THE
ORIGINAL MEMORANDUM IN OPPOSITION TO DEFENDANT CHUBB
CORPORATION'S MOTION TO DISMISS**

Plaintiff's counsel attaches hereto a Revised Memorandum of Law in Opposition to the Chubb Corporation's Motion To Dismiss. For the reasons set forth below, counsel respectfully asks the Court to substitute the attached Memorandum for the original and to disregard the original Memorandum.

1. Defendant Chubb Corporation filed a Motion to Dismiss Plaintiff's Complaint on August 26, 2002. The remaining defendants filed a separate Motion to Dismiss that same day. Both Motions were served via first class mail.
2. Plaintiff responded to both Motions to Dismiss on September 11, 2002.
3. Subsequent to filing the those responses, counsel for Plaintiff discovered that they had inadvertently and mistakenly quoted language from the Complaint which was not actually contained in the Complaint as filed.
4. Specifically, Plaintiff's counsel inadvertently quoted language from a draft of an Amended Complaint which it prepared but did not file. Mistakenly, when that draft was created it was saved overtop the original complaint in Plaintiff's counsel's computer system. When Plaintiff's counsel prepared the Response to the Motion to Dismiss for the Chubb

Corporation, they inadvertently relied up on language from the draft that does not exist in the complaint. That language stated in essence that the Chubb Corporation “controlled and directed” the actions of the other defendants, and that Chubb acted as the authorized agent of the other defendants.

5. Plaintiff’s counsel discovered the mistake the morning following the filing of the original Memorandum and promptly prepared the revised Memorandum of Law.
6. Plaintiff’s counsel has also reviewed its response to the Motion to Dismiss of Federal and Pacific insurance companies. Plaintiff’s response to that Motion does not contain any similar mistakes.
7. Plaintiff’s counsel apologizes to the Court and opposing counsel for any inconvenience.

NEIL E. JOKELSON & ASSOCIATES,, P.C.

BY: _____

NEIL E. JOKELSON, ESQUIRE

I.D. No. 02486

DAVID E. JOKELSON, ESQUIRE

I.D. No. 73734

DEREK E. JOKELSON, ESQUIRE

I.D. No. 81047

Neil E. Jokelson & Associates, P.C.

18th Flr., 230 South Broad Street

Philadelphia, PA 19102

(215) 735-7556

Attorneys for plaintiffs